



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3013291
Applicant Name: Paul Shema of Hewitt Architects
Address of Proposal: 515 Harvard Avenue E

SUMMARY OF PROPOSAL

Land Use Application to construct a 7-story residential building containing 65 units with 810 sq. ft. of retail at grade. An additional 41 parking spaces will be added to existing 25 spaces for a total of 66 below grade parking spaces. Existing west structure to remain.

The following approvals are required:

Design Review – Chapter 23.41 Seattle Municipal Code.

Development Standard Departure to comply with the minimum average front setback but not the 5 ft. minimum in all locations. (SMC 23.45.518.B)

Development Standard Departure to exceed the maximum structural depth.
(SMC 23.45.528.B.1)

SEPA – Environmental Determination – Chapter 25.05 Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

Site:

Site Zone: Midrise (MR)
Capital Hill Urban Center

Nearby Zones:

North: MR
East: NC3-40
South: MR
West: MR

Lot Area: 18,213 sf, flat

Current Development

The site is a mid-block, through-lot between Boylston Avenue East and Harvard Avenue East, with an existing 5 story residential structure occupying the west portion at 520 Boylston.



Existing vehicular access is from Boylston Avenue into the below grade parking of the existing structure. Pedestrian access is from the adjacent Boylston and Harvard Avenue sidewalks.

The site is essentially flat. There are no Environmentally Critical Areas (ECA) on the site.

Surrounding Development and Neighborhood Character

A four story apartment is adjacent to the north, and a three story apartment is adjacent to the south; a three story apartment is to the southwest, adjacent to the existing five story structure on the lot; a newer six story residential structure is across Harvard Avenue to the east.

The site is one block west of Broadway East, which is the mixed use transit and pedestrian spine through the heart of the Capital Hill neighborhood. Structures in the vicinity range from 3-6 stories, in a variety of scales and character, and contain residential with commercial uses focused along Broadway. Tashkent Park is across Boylston Avenue to the west.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: May 15, 2013

DESIGN PRESENTATION

The EDG booklet includes materials presented by the applicant at the EDG meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.
or contacting the Public Resource Center at DPD:

Address: Public Resource Center
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT

At the Early Design Review meeting, the following comments, issues and concerns were raised:

- Noted the existing street walls create a canyon, would like to see more variation and scale.
- Stated support for developing a vacant lot and supported the proposed modern design language, adding variety in an already eclectic neighborhood.
- Objected to the proposed height as out of scale with existing context, and referencing guideline B-1, stated the proposed massing is not sensitive to the surrounding area.
- Opposed to the façade length departure as the building is already tall and bulky.
- Encouraged more use of materials found in the vicinity, such as red brick.
- Supported the concept of linking to the existing phase 1 site, but requested the landscaping and design of the ground level of phase 1 deserved much improvement.
- Felt the design proposal was a chaotic mix of forms and should be simplified.
- Concerned about the privacy and windows in the side walls of adjacent residential buildings, and stated the proposal should respect neighbors more, referencing guideline A-5.
- Supported the residential stoops at ground level, but opposed to any fences that privatize and create a harsh transition to the public sidewalk.

FINAL RECOMMENDATION MEETING: October 23, 2013

DESIGN PRESENTATION

The applicant Proposal booklet includes materials presented by the applicant at the Recommendation meeting, and is available online by entering the project number and date at this website: http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp. or contacting the Public Resource Center at DPD:

Address: Public Resource Center
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT

At the Recommendation meeting, the following comment was made:

- Questioned how the café and lobby glass walls would be closed off and contain noise.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members (the Board) provided the following siting and design guidance. The Board identified the following **Citywide**

Design Guidelines & *Capital Hill Neighborhood Design Guidelines* (in italics) of **highest priority** for this project.

The Priority guidelines are summarized below, while all guidelines remain applicable. For the full text of all guidelines please visit the [Design Review website](#).

All page references below are to the Recommendation Booklet dated October 23, 2013.

Site Planning

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Capitol Hill-specific supplemental guidance:

- *Retain or increase the width of sidewalks.*
- *Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light, and year-round visual interest.*
- *Vehicle entrances to buildings should not dominate the streetscape.*
- *Orient townhouse structures to provide pedestrian entrances to the sidewalk.*
- *For buildings that span a block and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.*
- *New development in commercial zones should be sensitive to neighboring residential zones. Examples include lots on Broadway that extend to streets with residential character, such as Nagle Place or 10th or Harvard Avenues East. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.*

At the Early Design Guidance Meeting, the Board discussed how the proposed modulated frontage and vertical proportions could provide a desirable break in a block with typically flat and/or repetitive street walls. The Board supported the absence of a curb cut on Harvard and the consolidation of vehicular access at the existing Boylston garage door, although they agreed that the garage door and frontage deserved improvements. The Board supported the recessed courtyard/lobby and the residential patios as contributing to the streetscape, contingent upon a well-resolved material and public-private layering.

At the Recommendation Meeting, the Board endorsed the projections and deep modulation along the Harvard façade, and the refined landscape/courtyard design at the café and lobby entrance, including materials and layering as shown.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

At the Early Design Guidance Meeting, the Board extensively discussed how the proposed massing and details –such as window placement for privacy – must be better analyzed and adjusted to respect adjacent residents. This is especially true as the proposal is relatively tall, has long side walls, and minimum setbacks. The Board stated that all the

building perimeter edges and corners deserve careful study, and they expect to see “reflected window” elevation drawings at the recommendation meeting; living room windows should be staggered or buffered from those adjacent.

While supporting the use, the Board advised extra care to address noise and other impacts from the proposed café at the northeast corner, to the residents immediately adjacent and across the street. The Board also suggested re-evaluation of the elevator core location – the tallest element – being at the north building wall, and its consequent shadow and bulk impacts on the context; shadow impacts should inform the specific massing.

At the Recommendation Meeting, after reviewing the shadow studies and other drawings, the Board supported the elevator placement and massing as presented. The Board reviewed the reflected window studies and other drawings showing the window adjacencies with the existing three neighboring buildings. The Board concluded more detailed and localized adjustments such as translucent glass; sills at/above 5 ft; balcony screens; and/or deleting redundant windows) are needed at key locations. These specific recommendations are described in the recommendations on the last page. These adjustments are necessary to allow the proposed, very proximate massing to go forward.

The Board strongly supported the café use at the northeast corner of the ground floor, and discussed the need for café management to carefully regulate any noise (patrons, parties, deliveries, etc) to respect residents above and adjacent. Specific consideration and any conditions relating to noise will be addressed during the SEPA review by DPD.

- A-6 Transition Between Residence and Street.** For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

At the Early Design Guidance Meeting, the Board agreed the setback residential patios proposed could provide street scale and buffering, but was concerned the tall, perpendicular privacy walls and columns might be overly compartmentalized and harsh, especially if taken all the way to the street property line. The Board supported the angled building walls leading to the lobby/café entrance, but the detailed character of the transitions - from street to semi-public patios to internal space, must be carefully developed at the Recommendation stage. If these are private spaces, the Board did not support that area being tabulated as part of the courtyard rationale for any departure.

At the Recommendation Meeting, the Board supported the streetscape and setback landscape design, and the revised public-private layering shown at the ground floor residential patios (pg 22, 38,40), including the 3 floating translucent glass screens (about 5 ft. tall), and the planters with the about 4 ft. high transparent fences adjacent.

- A-7 Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

Capitol Hill-specific supplemental guidance:

- *Incorporate quasi-public open space with new residential development or redevelopment, with special focus on corner landscape treatments and courtyard entries.*

- *Create substantial courtyard-style open space that is visually accessible to the public view.*
- *Set back development where appropriate to preserve a view corridor.*
- *Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.*
- *Mature street trees have a high value to the neighborhood and departures from development standards that an arborist determines would impair the health of a mature tree are discouraged.*
- *Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.*
- *Use pourous paving materials to minimize stormwater run-off.*

At the Early Design Guidance Meeting, the Board agreed this guideline is promoted by the proposed lobby entrance and its through-building connection to Phase 1, and the landscaped court at the middle of the site. The Board needs to review more perspective studies of the scale and transparency through these linked spaces, and detailed landscape development of the courtyard, and any roof decks.

At the Recommendation Meeting, the Board accepted the transparency and scale of the linked entry court and lobby and rear court, as shown. The Board supported the use of fully transparent doors (at both transitions) that can be fully retracted. This transparency and visual extension of the entry courtyard plays a key role in relieving the façade size/bulk, and contributes to the related departure rationale.

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

Capitol Hill-specific supplemental guidance:

- *Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.*
- *Consider existing views to downtown Seattle, the Space Needle, Elliott Bay and the Olympic Mountains, and incorporate site and building design features that may help to preserve those views from public rights-of-way.*
- *Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.*

At the Early Design Guidance Meeting, the Board generally supported Option C, and agreed a 7 story building could be compatible with the context (which is largely MR zoning), if very carefully designed. The Board applauded the massing moves on the street façade to break down the scale and create modulation. However, they strongly agreed the south, west and north walls and corners must be carefully studied to mitigate impacts on adjacent residents and the surrounding public realm. The Board expects to see site

sections through the proposed building and adjacent buildings, as well as studies showing massing/ privacy design adjustments at the Recommendation meeting.

At the Recommendation Meeting, the Board reviewed the sections and drawings provided, and supported the massing and elevations proposed contingent upon the detailed adjustments outlined under A-5 above, to ensure privacy to closely adjacent windows is respected.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

At the Early Design Guidance Meeting, the Board discussed how a contemporary expression provides relief in this block's streetwall and material context, yet there may be subtle cues inspired from the local context to help this building fit and reinforce this specific physical and/or cultural setting. As currently shown, Option C 'refined' could be found in Belltown or any Seattle locale; it should instead, demonstrate elements and character specific to Capital Hill.

At the Recommendation Meeting, the Board supported the material palette presented, in particular the red/orange metal panels at the lower levels which reference the red brick adjacent and nearby, and the dark grey cement panels at the northeast corner, with 24" horizontal joints (not silver reglets), which reference the apartments adjacent.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

Capitol Hill-specific supplemental guidance:

- *Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.*
- *Solid canopies or fabric awnings over the sidewalk are preferred.*
- *Avoid using vinyl awnings that also serve as big, illuminated signs.*
- *Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.*

At the Early Design Guidance Meeting, the Board agreed with the stated goal of a richly modulated street wall, and emphasizing the 5 over 2 proportions, but also suggested consideration of the horizontally stacked expression in the context, perhaps at a subordinate reading. To serve this, the Board required more elevations and street level views that include more of the surrounding buildings for context, and accurate photo mapping on those adjacent buildings, and they not be 'grayed out'.

At the Recommendation Meeting, the Board reviewed the detailed context drawings and analysis provided and concluded the massing and materials create a well-

composed form, and are compatible with the anticipated development scale and the relevant exemplary existing structures in the vicinity.

- C-3 Human Scale.** The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

Capitol Hill-specific supplemental guidance:

- *Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.*
- *Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.*

At the Early Design Guidance Meeting, the Board supported some scale making efforts at the ground level street edge, but was concerned the privacy walls shown were too tall and long, creating compartments, and the proposed 'scrim/trellis' evokes the intimidating fence/cages newly installed (without approval) across the street. At the Recommendation meeting, the Board expects more gracious and subtle methods to create human scale, at the residential patios, the entry courtyard, and along the entire street edge.

At the Recommendation Meeting, the Board supported the revised ground floor patio design as a more gracious transition, and they supported the detailing there, around the café, and the entire street facing façade (pg 38-41, 50-54) .

- C-4 Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Capitol Hill-specific supplemental guidance:

- *Use wood shingles or board and batten siding on residential structures.*
- *Avoid wood or metal siding materials on commercial structures.*
- *Provide operable windows, especially on storefronts.*
- *Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.*
- *Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.*
- *The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.*

At the Early Design Guidance Meeting, the Board discussed how the material palette and quality will be a focal point of the Recommendation review.

At the Recommendation Meeting, the Board reviewed the proposed materials, colors and details carefully, and supported the highly transparent lobby and café walls, and the retractable quality of those glass walls. The Board advised that all

cladding materials have superior detailing and execution. They supported the proposed variety of colors and textures, stating more variation is not needed, but advised that if any material patterns were to change, they should increase in scale, as there are many with 8” joints (pg 30), and too few with 24” or larger, to provide transitional scale.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Capitol Hill-specific supplemental guidance:

- *Provide entryways that link the building to the surrounding landscape.*
- *Create open spaces at street level that link to the open space of the sidewalk.*
- *Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.*
- *Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact to the retail vitality commercial streetscape.*

At the Early Design Guidance Meeting, the Board agreed the proposed entry courtyard and through-block link has good promise to provide a legible, 2 story scaled entrance, generous spatial break in the street wall, and a valuable gathering space. But all these aspects must be verified with sections and perspective studies showing the street edge character, plus transparency and spatial scale through the building.

At the Recommendation Meeting, the Board reviewed the more detailed drawings provided, and concluded the courtyard/ lobby entrance is a positive pedestrian space and the lobby provides a welcoming visual link through the building.

D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

Capitol Hill-specific supplemental guidance:

- *Consolidate and screen dumpsters to preserve and enhance the pedestrian environment.*

At the Early Design Guidance Meeting, the Board discussed how the trash and services of Phase 2 will be added to these existing functions at the Boylston Street access point, and they must be carefully integrated at the existing driveway and door there.

At the Recommendation Meeting, the Board reiterated this guidance.

- D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Capitol Hill-specific supplemental guidance:

- *Consider: pedestrian-scale lighting, but prevent light spillover onto adjacent properties; architectural lighting to complement the architecture of the structure; transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach’*
- *Provide a clear distinction between pedestrian traffic areas and commercial traffic areas through the use of different paving materials or colors, landscaping, etc.*

At the Early Design Guidance Meeting, the Board expressed concern that the tall, long walls proposed at the residential patios along Harvard, created an unsafe character by blocking eyes on the street and providing hidden compartments. The Board advised a more open approach, with landscape layers parallel to the street, integrated lighting and resident surveillance. They also deplored the fence and cage approach recently installed across the street.

At the Recommendation Meeting, the Board supported the much more transparent approach proposed at the residential patios. See comments under A-6 above.

- D-9 Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

At the Early Design Guidance Meeting, the Board supported the concept of a small commercial shop at the northeast corner, to provide activation and interest to the street, as long as its signage and lighting is modest, any noise is mitigated, and the associated patio blends with the entry and provides a transition to the street.

At the Recommendation Meeting, the Board supported the restrained signage proposed for the café, as shown on pg 51. This is in concert with comments under A-5, Respect for Adjacent Sites. See specific recommendations on last page.

- D-10 Commercial Lighting.** Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

At the Early Design Guidance Meeting, the Board discussed how all lighting must respect adjacent neighbors, including any commercial lighting for the proposed cafe. The lobby/ courtyard should have an internalized glow that signifies entry and gathering, without spilling onto neighboring properties.

At the Recommendation Meeting, the Board supported the fixtures and plan presented on pg 55, and the light levels suggested in the renderings (pg 50,51,54) as the maximum that would not encroach on the virtually 100% residential neighbors. See specific recommendations on last page.

E. Landscaping

- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

At the Early Design Guidance Meeting, the Board discussed how the mid-block courtyard should flow and connect west (at least visually) past the adjacent Phase 1 project, to Boylston street. Additionally, it provides a mid-block shared amenity space for both buildings, which should be landscape designed for social function and green relief in a relatively dense, 2 phase project.

At the Recommendation Meeting, the Board endorsed the lush and detailed landscape plan (pg 22), including the path interconnecting to phase 1 and the range of species shown.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based upon the departure's potential to **better meet** these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). At the time of the Final Recommendation meeting, the following departures were requested:

- 1. Front Setback** (SMC 23.45.518.B; MR Setbacks): In brief, the Code requires a front setback of 5 ft. minimum in all locations and averaging 7 ft. The applicant proposes portions of the facade to have a zero ft. front setback, and other portions more than 7 ft. setback, while the entire façade would average 7 ft. setback.

The Board voted unanimously in recommendation of this departure, stating the deep 7ft. + setbacks compensate for the smaller areas not setback 5ft, and the overall façade modulation creates a rich street wall and a residential entry court. (A-2, A-7, C-2)
[NOTE: the proposal drawings (pg 19/20) show balconies over the street property line, that are expressly not part of this departure.]

- 2. Maximum Structural Depth** (SMC 23.45.528.B.1): In brief, the Code requires the maximum length of the side walls to be 75% of the lot depth, which in this case (combined with Phase 1) would be 75 ft. for the proposed new building. The applicant proposes a depth of 109 ft. on the north wall, which amounts to 92 % of the total lot depth, an increase of 17%. The applicant rationale was that the front entry courtyard equates to the structural depth courtyard exception of 23.45.528.B.2.

The Board voted unanimously in recommendation of this departure, recognizing the public portion of the entry courtyard is over the 712 sf of area the 'courtyard exception' of the code requires, creates a welcoming semi-public space, and that the extra-long north wall has no negative impacts on the adjacent north site, since there is a parking lot at that location. The entry court and modulated street façade creates a well-lit and rich pedestrian streetscape. (A-6, D-1)

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated October 23, 2013, and the materials shown and verbally described by the applicant at the October 23, 2013 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four East Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:

- 1) To ensure proposed windows and balconies are designed to prevent overlooks and line-of-sight privacy impacts to immediately adjacent neighbors (especially living room to living room), the following specific locations should be revised: **(A-5)**
 - a) Southwest corner unit, levels 2 & 3; delete redundant north window opposite the Glen Arms neighbors living windows (pg 44);
 - b) Southwest 3 units, levels 2,3 and 4; raise south portions of translucent railings to 5 ft. to prevent bedroom overlook into neighbors living rooms and deflect views to north (pg 45);
 - c) Southeast corner unit, level 2 and 3, southern windows; delete as units have ample east windows, and/or change to all-translucent glass (pg 47);
 - d) Southeast corner unit, level 1, west half of southern windows; make translucent glass or add 5 ft. high louvered railing / screen at property line to deflect views eastward from Mulholland living room opposite (pg 47, 38/39).
- 2) To minimize light and signage impacts on neighbors, the design should follow the light levels and signage design shown (pg. 51, 55). The windows and glass door at the northeast corner, facing the adjacent Camelot living room windows, shall have interior black-out drapes or shades. **(A-2)**

Response to Recommended Design Review Conditions:

- 1) The applicant incorporated the façade revisions and details, as shown in the MUP plan set. The proposal meets recommended condition #1.
- 2) The applicant specified lighting, signage and added drapes, as shown in the MUP plan set. The proposal meets recommended condition #2.

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed below.

II. ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 30, 2013. The Department of Planning and

Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clear Air Agency regulations require control of fugitive dust to protect air quality.

PUBLIC COMMENT:

The public comment period ended on June 26, 2013. One SEPA comment was received.

A. SHORT-TERM IMPACTS

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, grading, construction impacts, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities, in particular the residences existing across the alley to the west. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection may occur outside these hours.

If the applicant intends to work outside of the limits of non-holiday weekdays between 7am and 6pm, the applicant will submit a **Construction Noise Mitigation Plan**. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M. and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings. This must be included in the Construction Traffic Management Plan, required by condition; see discussion under Traffic and Parking below.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. This will assure proper handling and disposal of asbestos.

Grading

Excavation to construct the structure will be necessary. The maximum depth of the excavation is approximately 20 feet and will consist of an estimated 7,500 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled

material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Parking

Duration of construction of the apartment building may last approximately 15 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction would likely reduce the supply of parking in the vicinity. Due to the location of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, the applicant will need to provide a Construction Worker Parking Plan to reduce on-street parking. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 7,500 cubic yards of soil are expected to be excavated from the project site. The soil removed for the structure will not be reused on the site and will need to be disposed off-site. Excavation and construction materials will require numerous truck trips, in a congested location with sizable construction occurring across the street. Considering the volume of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours; large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM. This must be included in the Construction Traffic Management Plan, required by condition.

Truck access to and from the site shall be documented in a Construction Traffic Management Plan, to be submitted to DPD and SDOT prior to the issuance of demolition, grading or construction permits. This plan shall include a prohibition on trucks queueing on streets under windows of nearby residential buildings, and also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access adjacent to the project site. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

B. LONG-TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; potential blockage of designated sites from the Scenic Route of Broadway nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, green house gas emissions, views from scenic routes, traffic and transportation, and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Broadway Scenic Route

The building is within 500 feet of the SEPA designated Scenic Route of Broadway, but it will not block public views from Broadway of any SEPA designated features. Existing buildings constructed between the subject site and Broadway already block any relevant public views.

Transportation

A transportation impact analysis dated May 25, 2013, was prepared for the project by Heffron Transportation Inc. The analysis assumed 48 new parking spaces but the project design evolved to net 41 new spaces, thus traffic impacts are nominally less than described in that analysis. The analysis reports the proposed uses will generate 270 daily trips; 24 AM peak hour trips, and 27 PM peak-hour trips. The traffic the proposed uses contribute to the roadway system at peak times and the distribution of the traffic from the site does not exceed acceptable street screenline capacities. No adverse transportation impacts are anticipated from the development of the project.

Parking

The project site is in a dense, walkable urban environment, with consistent bus transit service one block east along Broadway; the regional-serving transit service will increase with the 2016 opening of the Capitol Hill light rail station at Broadway and Olive, a 1700 foot walking distance.

Parking demand estimates of the proposed uses were adjusted to reflect the various opportunities for non-auto travel to and from the site. Specific auto-ownership information for the Census tract within which the project site is located was used to estimate residential parking demand.

The residential component of the proposed project is estimated to generate a peak parking demand of roughly 35-39 vehicles; the retail component of the project likely will generate a peak demand of one vehicle. If the peaks overlap, the project could create a maximum parking

demand for about 40 vehicles; the new parking totals 41 spaces. The majority of this peak demand would occur during overnight hours.

The analysis indicates the project would accommodate the peak parking demand on site, with little or no spillover onto adjacent streets. No adverse parking impacts are anticipated from the development of the project.

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #4, a **Construction Noise Management Plan** shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include the specific mitigation listed in the Addendum, and may include additional proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.
2. The applicant shall provide DPD with a copy of a **Construction Traffic Management Plan**, including **Construction Haul Routes**, both aspects approved by Seattle Department of Transportation, plus prohibition on trucks queueing on streets under windows of nearby residential buildings, and time limits on large (greater than two-axle) trucks.

3. An approved Construction Worker Parking Plan is required. This shall be provided to the Land Use Planner for review and approval (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).

During Construction

4. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy

5. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).
6. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).

For the Life of the Project

7. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Garry Papers, (206) 684-0916, garry.papers@seattle.gov).

Signature: (signature on file) Date: February 27, 2014
Garry Papers, M.Arch, NCARB
Senior Land Use Planner
Department of Planning and Development